

REMARKS

The Applicants acknowledge the Examiner's comprehensive Office Action with appreciation. The Office maintains the previously issued Restriction Requirement. Claims 21-40 remain pending in the application. The Office raises rejections under 35 USC § 112, first and second paragraphs. The Office indicates that Claims 21-24 and 31-38 are allowable.

Claim 40 is rejected for lack of enablement under 35 USC § 112, first paragraph. It is the position of the Office that the specification, while being enabling for pharmaceutical compositions useful in treating lung carcinoma and prostate carcinoma, does not reasonably provide enablement for treatment of all cancers. With the instant Amendment, pharmaceutical composition Claim 40 has been amended to delete the functional language "useful in treating cancer" since such functional language is not considered by the Office to have any patentable relevance in pharmaceutical composition claims. Reconsideration and withdrawal of the lack of enablement rejection is respectfully requested.

Claims 25-30 are rejected for indefiniteness under 35 USC § 112, second paragraph. It is the position of the Office that dependent Claims 25-30 are indefinite because the definitions of certain variables of the compounds of formulas (IA), (IB), (IC), (ID), (IE), and (IF) are not specifically recited in Claims 25-30. The Applicants respectfully point out that Claims 25-30 are proper dependent claims because they further limit certain variables (e.g., Q₁, X₁, Y₁, W, etc.) of the compound of formula (I) recited in Claim 21. Moreover, 37 CFR § 1.75(c) specifically states that "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." Nonetheless, in an effort to expedite the prosecution of the instant application, Claims 25-30 have been amended to include the phrase "...are as defined in claim 21" to clarify the definition of the aforementioned variables. Reconsideration and withdrawal of the indefiniteness rejection is respectfully requested.

Finally, according to MPEP § 821.04, the Applicants are entitled to request rejoinder of withdrawn method claims upon the identification of allowable subject matter.

Therefore, the Applicants respectfully request rejoinder of method Claim 39, directed to a method of using the compound of Claim 21 (which claim the Office has indicated is allowable).

* * * * *

Accordingly, entry of present amendment, reconsideration of all grounds of objection and rejection, withdrawal thereof, rejoinder of method Claim 39, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned agent has made an earnest effort to place this application into condition for immediate allowance. If she can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call her at her below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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Enclosure: Listing of Claims and Postal Card Receipt

**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER
OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION,
DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO
DEPOSIT ACCOUNT NO. 08,3220.**